

# DEALING WITH TERRORIST SANCTUARY IN PAKISTAN'S FEDERALLY ADMINISTERED TRIBAL AREAS

BY

COLONEL KIRK H. NILSSON  
United States Army

## DISTRIBUTION STATEMENT A:

Approved for Public Release.  
Distribution is Unlimited.

USAWC CLASS OF 2009

This SSCFP is submitted in partial fulfillment of the requirements imposed on Senior Service College Fellows. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.



U.S. Army War College, Carlisle Barracks, PA 17013-5050

## REPORT DOCUMENTATION PAGE

*Form Approved  
OMB No. 0704-0188*

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

<b>1. REPORT DATE (DD-MM-YYYY)</b> 37-03-2009	<b>2. REPORT TYPE</b> Civilian Research Paper	<b>3. DATES COVERED (From - To)</b> 15 Aug 2008 – 27 Mar 2009		
<b>4. TITLE AND SUBTITLE</b>  Dealing with Terrorist Sanctuary in Pakistan's Federally Administered Tribal Areas			<b>5a. CONTRACT NUMBER</b>  <b>5b. GRANT NUMBER</b>  <b>5c. PROGRAM ELEMENT NUMBER</b>	
<b>6. AUTHOR(S)</b>  COL Kirk H. Nilsson			<b>5d. PROJECT NUMBER</b>  <b>5e. TASK NUMBER</b>  <b>5f. WORK UNIT NUMBER</b>	
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b>  Naval Postgraduate School Monterey, CA 93943			<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b>  U.S. Army War College 122 Forbes Ave. Carlisle, PA 17013			<b>10. SPONSOR/MONITOR'S ACRONYM(S)</b>  <b>11. SPONSOR/MONITOR'S REPORT NUMBER(S)</b>	
<b>12. DISTRIBUTION / AVAILABILITY STATEMENT</b>  DISTRIBUTION A: UNLIMITED				
<b>13. SUPPLEMENTARY NOTES</b>				
<b>14. ABSTRACT</b> <p>We must use all elements of our national power to support the development and execution of an appropriate Pakistani counterinsurgency strategy that is attenuated by social, state, and global realities to eliminate Taliban and al Qaeda sanctuary in the Federally Administered Tribal Areas. This paper describes the problem of terrorist sanctuary in the FATA in context of the forces that shapes the area: The Pashtun society, the state and counter-states, and globalization. After analyzing the problem with established counterinsurgency models I am able to develop an appropriate strategy for success, and conclude with some specific recommendations.</p> <p>Pakistan's counterinsurgency strategy must simultaneously provide security and targeted development at the village level, using and reinforcing existing Pashtun tribal structure. The American Ambassador, supported by a robust country team, USCENTCOM, and other agency experts must develop an appropriate supporting counterinsurgency plan, based on this strategy. This plan must be expeditiously approved, resourced, and supported by the interagency, the President, and Congress, then implemented by, through, and with the Pakistani government to be effective.</p>				
<b>15. SUBJECT TERMS</b> Taliban, al Qaeda, Counterinsurgency, National Power, Security, Development, Pashtun, Clan, Tribe, Village				
<b>16. SECURITY CLASSIFICATION OF:</b>		<b>17. LIMITATION OF ABSTRACT</b>	<b>18. NUMBER OF PAGES</b>	<b>19a. NAME OF RESPONSIBLE PERSON</b> COL Kirk H. Nilsson
<b>a. REPORT</b> UNCLASSIFIED	<b>b. ABSTRACT</b> UNCLASSIFIED	<b>c. THIS PAGE</b> UNCLASSIFIED	UNLIMITED  44	<b>19b. TELEPHONE NUMBER (include area code)</b> (831) 656-3774

USAWC FELLOWSHIP RESEARCH PROJECT

**DEALING WITH TERRORIST SANCTUARY IN PAKISTAN'S FEDERALLY  
ADMINISTERED TRIBAL AREAS**

by

Colonel Kirk H. Nilsson  
United States Army

Dr. Hy Rothstein  
Project Adviser

This research project is submitted in partial fulfillment of the requirements of the USAWC Fellowship program. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Naval Postgraduate School, Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

## **ABSTRACT**

AUTHOR: Colonel Kirk H. Nilsson

TITLE: Dealing with Terrorist Sanctuary in Pakistan's Federally Administered Tribal Areas

FORMAT: Strategy Research Project

DATE: 27 March 2009 WORD COUNT: 8566 PAGES: 33

KEY TERMS: Taliban, al Qaeda, Counterinsurgency, National Power, Security, Development, Pashtun, Clan, Tribe, Village

CLASSIFICATION: Unclassified

We must use all elements of our national power to support the development and execution of an appropriate Pakistani counterinsurgency strategy that is attenuated by social, state, and global realities to eliminate Taliban and al Qaeda sanctuary in the Federally Administered Tribal Areas. This paper describes the problem of terrorist sanctuary in the FATA in context of the forces that shapes the area: The Pashtun society, the state and counter-states, and globalization. After analyzing the problem with established counterinsurgency models I am able to develop an appropriate strategy for success, and conclude with some specific recommendations.

Pakistan's counterinsurgency strategy must simultaneously provide security and targeted development at the village level, using and reinforcing existing Pashtun tribal structure. The American Ambassador, supported by a robust country team, USCENTCOM, and other agency experts must develop an appropriate supporting counterinsurgency plan, based on this strategy. This plan must be expeditiously approved, resourced, and supported by the interagency, the President, and Congress, then implemented by, through, and with the Pakistani government to be effective.

## DEALING WITH TERRORIST SANCTUARY IN PAKISTAN'S FEDERALLY ADMINISTERED TRIBAL AREAS

The 9/11 Commission Report points out that Congress, the Executive branch, and the American people understand that countering terrorism is the top national security priority for the United States.<sup>1</sup> We instinctively know that a vital aspect of defeating terrorism is to deny safe havens in which they may plan, prepare, and launch operations with relative immunity from responsible authority. To address the problem of terrorist sanctuary, the 9/11 Report provides a sound recommendation:

The U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help.<sup>2</sup>

Our U.S. national security strategies have consistently called for using all elements of national power to combat terrorism, including military, intelligence, diplomatic, law enforcement, information, finance and economic support. One of the four short-term priorities of action in our combating terrorism strategy is to prevent terrorists from exploiting ungoverned or under-governed areas – including physical, legal, cyber, and fiscal safe havens.<sup>3</sup> However, our dealing with terrorist sanctuary has proven to be anything but simple or effective.

One of the greatest challenges in the counter terrorism fight today is the Pakistani Taliban and al Qaeda<sup>4</sup> safe haven in Pakistan's Federally Administered Tribal Areas (FATA). A recent U.S. Government Accountability Office report provides a bleak assessment of progress and highlights the need for a comprehensive plan to

synchronize the full capacity of the U.S. government on meeting U.S. national security goals in the FATA:

The United States has not met its national security goals to destroy terrorist threats and close the safe haven in Pakistan's FATA. According to U.S. officials and intelligence documents, since 2002, al Qaeda and the Taliban have used Pakistan's FATA and the border region to attack Pakistani, Afghan, as well as U.S. and coalition troops; plan and train for attacks against U.S. interests; destabilize Pakistan; and spread radical Islamist ideologies that threaten U.S. interests. GAO found broad agreement that al Qaeda had established a safe haven in the FATA. A 2008 DNI assessment states that al Qaeda is now using the FATA to put into place the last elements necessary to launch another attack against America.<sup>5</sup>

The region known as the FATA is a section of rugged terrain 450 kilometers long situated along Pakistan's border with Afghanistan. The area is home to a Pashtun majority, comprised of more than a dozen major tribes and hundreds of clans and sub-tribes. The FATA is a semi-autonomous area of Pakistan, dating back to British colonial rule of India. The tribes are accustomed to managing their resources and solving internal disputes without external interference.<sup>6</sup>

By deepening its ties to Pakistani Taliban militants and pushing much of Pakistan's limited government authority from areas of the FATA, al Qaeda has strengthened its sanctuary in the region. Al Qaeda retains many of the operational and organizational advantages it once enjoyed in Afghanistan, although on a smaller and less secure scale. The co-location of al Qaeda leaders in the FATA facilitates collaborative management of the organization, helping reconstitute the significant loss of their mid-level lieutenants capable of directing global operations.<sup>7</sup>

The enemy flow in and out of the tribal areas, expanding their influence over the populace, and the FATA tribesmen are completely aware of this situation. While the U.S. fights al Qaeda superficially through Predator strikes and occasional raids, our

erstwhile allies in Pakistan maintain a very limited presence in the FATA. They provide little support, healthcare, or aid to the population, and sustain limited dialogue with actual tribal leaders. The collateral damage from U.S. missiles strikes kills non-combatants and destroys property, so Americans are naturally seen as the aggressors. Meanwhile, Pakistan continues to loose its weak grasp on the area. In order to resolve the problem, the U.S. must discretely assist the Pakistani government establish security, develop legitimacy, and provide services through local tribal leaders in the area to gain support of the tribesmen and effectively counter the Taliban and al Qaeda threat. The tribal leaders know who the enemy is, and can play a critical role in isolating the militants from the populace - potentially resulting in the destruction of the al Qaeda network in the FATA.

The importance of dealing with this terrorist sanctuary is implicit and undeniable. Yet Pakistani Taliban and al Qaeda sanctuary in the FATA is a complex issue, with significant shortcomings in how experts define, describe, or seek to address the problem. Failure to develop a suitable and balanced policy may not only prevent us from denying the terrorists their current sanctuary, but may actually create a more challenging security environment through wide-spread Islamist separatism or a full fledged civil war across Pakistan.

This paper begins with a description of the problem of terrorist sanctuary in the FATA using the primary forces that shapes the area today: The Pashtun society, the state and counter-states (including Pakistan, the tribal system, and the Taliban and al Qaeda), and globalization. With this context, I analyze the problem using established counterinsurgency models to develop an appropriate strategy and concept to implement

for success, and conclude with some specific recommendations for the Obama administration, the U.S. Embassy in Islamabad and USCENTCOM.

To deprive al Qaeda sanctuary in the FATA, Pakistan must implement an effective counterinsurgency program, attenuated by social, state, and global realities, to stabilize Pashtun tribal structures and erode Pakistani Taliban and al Qaeda influence in the area. To avoid making Pakistan's internal problems worse and to improve the probability of success, all elements of our national power must be balanced and precisely applied to support development and execution of an effective Pakistani counterinsurgency strategy.

#### Terrorist Sanctuary in the FATA in Context

At a basic level, sanctuary within the FATA is physical, with tangible aspects of time and space. The FATA consist of seven 'Political Agencies'—Bajaur, Khyber, Kurram, Mohmand, North Waziristan, Orakzai and South Waziristan—and six smaller zones, called 'Frontier Regions'- Bannu, Dera Ismail Khan, Kohat, Lakki Marwat, Peshawar and Tank (see figure 1). It stretches for approximately 450 kilometers north to south and spans more than 250 kilometers at its widest point to cover an area of 27,220 square kilometers.<sup>8</sup> From this location, terrorist are able to operate locally or globally from a relatively secure and safe environment.<sup>9</sup>

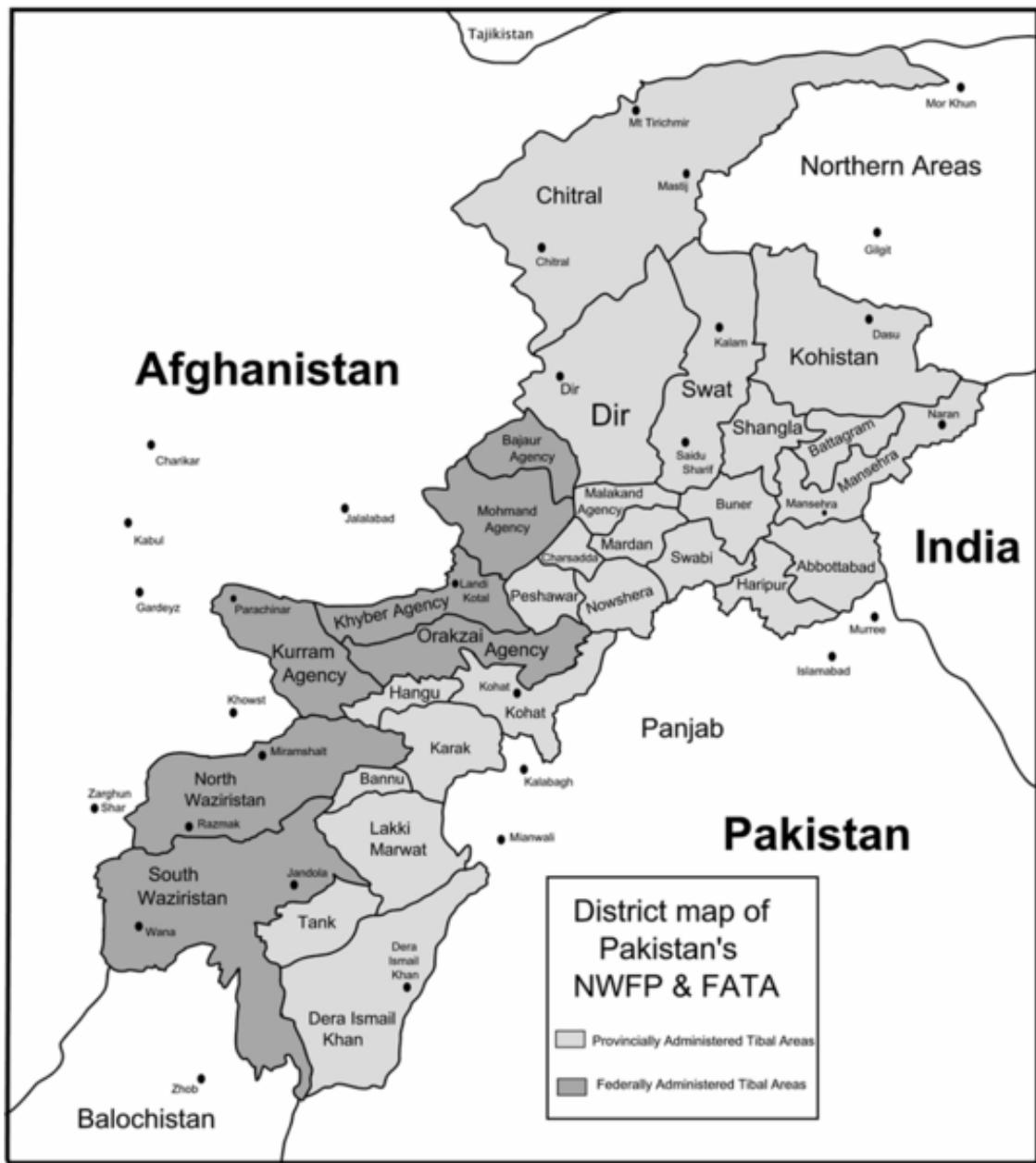


Figure 1: Map of the Federally Administered Tribal Areas, Pakistan<sup>10</sup>

*Social Context.* Sanctuary within the FATA has a social dimension. The al Qaeda network is people, organized and working together for common outcomes. They are generally supported actively by the Pakistani Taliban, and passively by tribal Pashtuns. While elements of the Pashtun social code can explain this support up to a

point, there is little to predicate the current level of physical sanctuary, personnel mobilization, intelligence, and other resources that are provided for action against the state. In fact, the Pashtuns have relatively few common traditions, institutions, or collective interests with either the Taliban or al Qaeda.

The Pashtun ethnic group is highly segmented, with approximately 350 tribes. Each of the tribes is subdivided into a large number of clans, or *khels*, which in turn are divided into large extended family groups called *kahols*. All Pashtuns speak Pashto or a dialect known as Pahkti, and both have a number of regional dialects that pose enough variance to cause some communication challenges among them.<sup>11</sup>

The Pashtun social structure has endured for centuries and continues to exert its influence on the lives of the people today. Everyday activities draw support from members of the tribe, including tasks such as harvesting crops, building and maintaining irrigation channels, cutting hay, and constructing mosques or other buildings. The population acts collectively to assist others in the group to fulfill broader social obligations.<sup>12</sup> Belonging to a tribe is essential for access to resources, as each clan controls resources within its area and makes decisions about its management and use. For large segments of the population, the tribe is the only social safety net that is available.

Tribal decision making, more precisely described as consensus building, is conducted in stages and often finalized in a collective manner via the tribal *jirga* or council of elders. Although undermined in some areas by the Taliban and al Qaeda control, this process retains widespread legitimacy and is the traditional mechanism for resolving conflicts and determining punishment for offenders.<sup>13</sup> For example, when a

*jirga* determines the need to hunt down an outlaw or to address an out-of-control family feud they typically form a *lashkar*, or traditional tribal militia, on an ad hoc basis to accomplish that specific purpose. Every tribesman in the *lashkar* is armed with his own weapon, food and supplies, and the Pakistani government does not routinely assist financially or logistically. Once the issue is resolved, the *lashkar* is disbanded.<sup>14</sup>

While tribal life is collective in many ways, the Pashtuns are extremely independent. Ideally, no Pashtun adult male may tell another Pashtun adult male what to do. Even traditional leaders, while influential within a nuclear or extended family, lack the authoritative power associated with most traditional tribal chiefs. This independent spirit also generates tremendous resistance to external control, especially what many people in the FATA consider to be interference by the state.<sup>15</sup> Women have little, if any, opportunity to contribute to the social process, improve education, or gain stature outside the home.<sup>16</sup>

The social code of *Pashtunwali*, or “way of the Pashtun,” is central to the lives of most Pashtuns.<sup>17</sup> It is a complex system of social organization and conflict resolution, which includes aspects of collective and individual responsibilities. Understanding *Pashtunwali* helps provide insights as why the Taliban and al Qaeda find safe haven in the Pashtun areas of the FATA and eastern Afghanistan, and also clarifies why the state has so much difficulty dealing with this specific tribe. In the eyes of many Pashtuns, their system is superior to that of western nations.<sup>18</sup>

*Pashtunwali* encompasses a set of tribal virtues and reflects the fierce independence of the Pashtun male, and four key values of freedom, honor, revenge, and chivalry.<sup>19</sup> Several features describe the way *Pashtunwali* is enacted in society to

include: *Milmastia*, which requires hospitality and protection to every guest; *Khegara*, a collective requirement to help those in trouble; *Azizwale*, respect for the clan, or clanship; *Wafa*, fidelity and loyalty; and *Nanawati*, which requires asylum be given to enemies if they come as supplicants.<sup>20</sup> The prominent *Pashtunwali* themes at the root of violence in the FATA include *Tarboorwali*, or cousin rivalry; *Badal*, which imposes the responsibility for gaining revenge to wipe out an insult; enforcing *Badal* on another by *Paighor*, or taunting a person for cowardice until he takes appropriate revenge; and *Nang*, requiring individual and family honor be upheld. Subsets of *Nang* (honor) include *Namus*, upholding the honor of women and protecting them from verbal and physical harm, and *Hewad*, love for one's nation and obligation to defend the country against foreign incursion.<sup>21</sup>

While Pashtun tribal society is very conservative in nature, with inherent resistance to change that hinders political and economic development,<sup>22</sup> it has not been immune to all forces of change. In the early 1970s, the Pakistani government began building thousands of conservative madrassas in the tribal areas, seeking to establish the primacy of Islam and erode the millennium old tribal order of the Pashtuns. Gradually, the *mullahs* and their *ulema* in the rural areas gained political power to the detriment of the tribal elders, *khans*, and *maliks*.<sup>23</sup>

The Soviet invasion of Afghanistan in 1979 unleashed a wide-spread call for jihad, a flood of foreign fighters<sup>24</sup> and refugees,<sup>25</sup> and a massive influx of foreign supplied weapons<sup>26</sup> to further tear at the social fabric of the tribes. Following the Soviet withdrawal from Afghanistan, many returning *mujahidin* commanders and fighters began

operating outside the control of clan elders, and functioned as warlord or criminal groups.<sup>27</sup>

In an effort to re-establish “strategic depth”, end the disruption of external trade, and eliminate the potential internal security threat caused by the warlord anarchy and criminal groups in Afghanistan, the Pakistani government turned to support and expand the Taliban. With Taliban imposed stability came some additional transfer of authority from tribal leaders to the *ulema shuras*, and the opening of Afghanistan and adjacent areas in Pakistan to jihadist movements and radicals.<sup>28</sup>

Amongst these radicals were the masterminds of the 9/11 attack on the United States. Following the predictable refusal of the Taliban to eject Osama bin Laden and his core, the Taliban Government of Afghanistan was toppled by the U.S. led military invasion, and many of the al Qaeda network and Taliban supporters found a sympathetic and supportive safe haven in the FATA. They have unsurprisingly proven to be less than ideal guests, and have slowly, yet systematically targeted the tribal structure and government control in the FATA.

*The State and Counter-States in Context.* As the strength of the Taliban militants in the tribal areas grows, several tribes have turned to their old but effective tools, forming anti-Taliban *lashkars*, in most part due to the tribesmen’s rising frustration with the Taliban, but also of their traditional desire to keep the Pakistani Army out and run their own affairs. Indeed, many of the *lashkars*’ early efforts were promising.<sup>29</sup>

However, the poorly armed tribesmen face well equipped and highly motivated Taliban fighters, resulting in some *lashkars* being crushed and many others intimidated. The Taliban have killed as many as 500 tribal leaders in the last four years, using

coercive tools that range from suicide bombers to burning homes of tribal leaders. The Taliban continue to intimidate any who dare to resist them, and lure tribal youth to their cause with money and stature.<sup>30</sup>

In addition to Taliban and al Qaeda, the FATA is awash in a network of 14 definable anti-state organizations. Given the substantial financial support and modern communication tools available, this network is growing rapidly and is far more dangerous and interconnected than what is routinely acknowledged by many officials in government.<sup>31</sup> However, Pakistan, even under consistent U.S. pressure, has not demonstrated the will nor the skill to effectively counter the militants in the FATA -- thus failing to meet their sovereign obligation.<sup>32</sup>

The FATA is included among the territories of Pakistan's Constitution of 1973. While the FATA is represented in the National Assembly and the Senate, it remains under the direct executive authority of the President. Laws framed by the National Assembly do not apply in the FATA unless directed by the President.<sup>33</sup>

The Frontier Crimes Regulation of 1901 provides the primarily legal framework for the FATA. The Frontier Crimes Regulation dates back to the British occupation of the six frontier districts in 1848. It is based on the laws originally enforced by the British Raj in the tribal areas of Northwest British India, specially tailored to sidestep the Pashtun's violent rejection of external rule. Over time, multiple amendments were made to the regulation to extend its scope, resulting in the version promulgated in the Frontier Crimes Regulation of 1901.<sup>34</sup>

All civil and criminal cases in FATA are decided by a *jirga*, a constitutional entity for administration of justice under the Frontier Crimes Regulation, which preserves the

collective responsibility and tribal structure of *jirgas*. The two administrative categories of justice fall under “protected” areas, or regions under the direct control of the government, and “non-protected” areas, or regions that are administered indirectly through local tribes.

In protected areas, the political agent or his assistant can designate a *sarkari jirga*, a group of elders, to try criminal or civil cases. The Frontier Crimes Regulation authorizes *sarkari jirgas* to settle disputes that relate to *zan*, *zar*, *zamin* (women, wealth and land) and all other questions affecting the Pashtun honor and way of life. A *sarkari jirga* can inflict a maximum penalty of a fourteen-year imprisonment and the process is supervised by the political officer to ensure that the verdict is in accordance with customary law and free of irregularities. A party may appeal the decision to the Peshawar High Court or Supreme Court of Pakistan, or appeal to the Home Secretary and Law Secretary of the federal government. Once appeals are exhausted, the political administration is responsible for the execution of the punishment.<sup>35</sup>

In non-protected areas, cases are resolved solely through a system of *jirgas*, the most common being *qaumi* and *shakhs* *jirgas*. A *qaumi* (or *ulusi*) *jirga* is an assembly of the elders from each household of a village or community. It is convened to discuss collective matters such as property, distribution of irrigation water, or other collective concerns, like selection of a site for a school. A *shakhs* *jirga* is formed in when a dispute arises between two individuals or families. The *jirga* members are chosen from both the parties to determine a just settlement acceptable to both sides.<sup>36</sup>

Although the *jirga* mechanism enjoys widespread favor, the costs associated with organizing a *jirga*, including hospitality, are often beyond the capability of the poorer

segments of society. Another common grievance is that in most cases *jirga* decisions favor the richer or more influential party.<sup>37</sup>

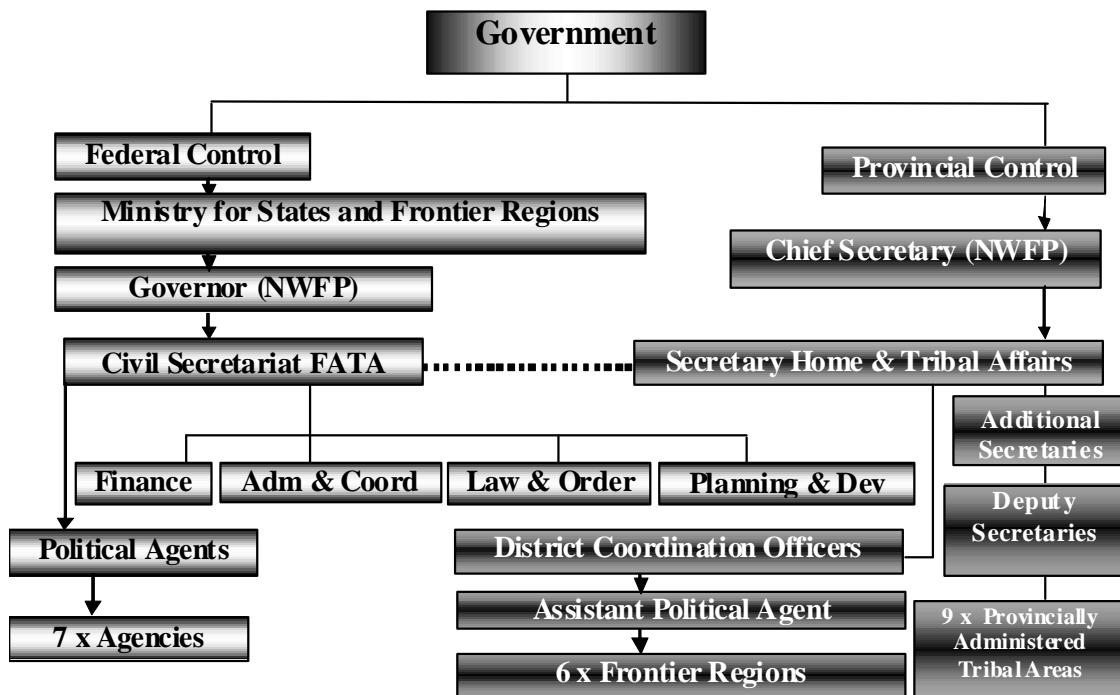


Figure 2. FATA Administrative Structure<sup>38</sup>

As an extension of the President of Pakistan, the Governor of the North West Frontier province (NWFP) administers the FATA, under the oversight of the Ministry of States and Frontier Regions in Islamabad. Decisions related to development in the tribal areas are made by the Civil Secretariat FATA, established in 2006, and implemented by various government departments. The Civil Secretariat FATA is supported in this task by an additional Chief Secretary, four secretaries and a number of directors, while the NWFP Governor's Secretariat facilitates interaction between the federal and provincial governments and the Civil Secretariat FATA (see figure 2).<sup>39</sup>

Each tribal agency is administered by a political agent, who oversees the various departments and service providers. He is responsible for handling inter-tribal disputes

over boundaries or natural resources, and for regulating the trade in natural resources with other agencies or settled areas. He performs a supervisory role for development projects and chairs a development committee to recommend, and in some cases, approve development projects. The political agent is assisted by a number of assistant political agents called *tehsildars* (administrative head of a *tehsil*) and *naib tehsildars* (deputy *tehsildar*), as well as members of local tribal police (*khassadars*) and other security forces (levies or scouts).<sup>40</sup> The smaller Frontier Regions are administered by a district coordinator, who exercises the same powers in a region as the political agent does in a tribal agency.<sup>41</sup>

Law enforcement in portions of the FATA is also provided by the Frontier Corps, a federal paramilitary force manned by soldiers recruited from the tribal areas with officers from the Pakistan Army under the control of the Interior Ministry. The Frontier Corps protects lines of communication, secures border areas, and helps maintain law and order. This paramilitary force is usually poorly led, underfunded, untrained, and usually outgunned, often asked to face Taliban and al Qaeda fighters armed with assault rifles and grenade launchers with little more than sandals and bolt-action rifles.<sup>42</sup>

The tribes run their own affairs according to custom, characterized by collective responsibility for the actions of individual tribe members and the collective resources under their control. The government's interference in local matters is kept to a minimum, and functions through a system of local-level tribal intermediaries. These intermediate representatives, including *maliks* at the tribe level and *lungi* holders at the sub-tribes or clan level, are influential members of their respective base, and they receive regular payment from the government for their service.<sup>43</sup> A *malik*'s position may be by

appointment of the tribe, or hereditary in other cases, but a *malik*'s stature within a tribe is often directly related to the number of men and weapons at his disposal.<sup>44</sup> In many cases, political agents and *maliks* lack the capacity or security structure to exercise authority in their areas.

Members of the FATA elect representatives to the federal government. Elections for National Assembly seats are held on a non-party basis, following a ban on national political parties within the FATA, to select twelve Members of the National Assembly and eight Senators. The people in the FATA do not elect representatives at provincial level since the system of devolution, implemented in the rest of Pakistan, has not been extended into the tribal areas. However, in 2004 an Agency Councils System was introduced in which elected councilors plan and supervise many aspects of development in the tribal agencies and frontier regions.<sup>45</sup>

Attempts by the Pakistani government to exert military control in the FATA have met little success. Several hundred Pakistani soldiers fighting extremist factions in the FATA were killed between 2004 and 2007, most victims of ambushes, mines, and poor counterinsurgent tactics. This failure to militarily secure the area drove former President Musharraf to make several “peace agreements with tribal leaders”, who were tribal leaders coerced by the Taliban or Islamist clerics and Taliban leaders, not actual tribal elders.<sup>46</sup>

Under the “Miranshah Peace Agreement” for North Waziristan concluded in 2006, the Pakistani Army released all prisoners and weapons that it had seized in the area. The Army also agreed to pay reparations for maneuver damages, to redeploy all

forces to a few established garrisons along lines of communication, to dismantle temporary checkpoints, and to stop patrolling within the FATA.<sup>47</sup>

By August 2007 the peace deal had publicly collapsed and the Musharraf regime was back looking for military options.<sup>48</sup> What emerged was a loose confederation of the Pakistani military and tribal militias. In some areas, the Pakistani Army concentrated on the hard core extremists, while the *lashkars* worked as localized forces to clear the remnants out from their areas. Yet an underlying level of prudent reluctance remains. No one wants to see the *lashkars* become an offensive force, or be a threat to the Army itself, so the military provides the militias supporting fire from artillery and helicopter gunships, but does not arm them with heavy weapons.<sup>49</sup>

Support by the Pakistani Army and civilian government for the tribal militias has been sporadic at best. In a recent example, the village of Hilal Khel formed a *lashkar* with promises from the government that they would receive military backing if needed. The Taliban brought in 600 fighters from Afghanistan under the Afghan Taliban leader Zia ur-Rehmanto effectively undercutting the resolve of the village elders. The Taliban spread terror by killing four leaders of the *lashkar*, leaving their bodies with throats slit on the roadside, and burned dozens of houses in four villages. Many of the *lashkar*'s leaders fled or surrendered, and the lack of promised Pakistani Army support left the villagers severely demoralized.<sup>50</sup>

Another of Pakistan's federal agencies, the Inter-Services Intelligence (ISI), has had a tremendous, but widely unpredictable impact in the FATA. Cooperating with the CIA, they worked to arm the *mujahidin* to fight the Soviets in Afghanistan, and later backed the Taliban to curb the powerful warlords that emerged when the Soviets

withdrew. Since 9/11, their subordination to the Pakistani government has been suspect, with frequent allegations that Inter-Services Intelligence operatives provide money, supplies and support to Taliban commanders.<sup>51</sup>

In an effort to better integrate the FATA into Pakistan's economy and administration, the Pakistani government has implemented a comprehensive "Frontier Strategy" plan, which emphasizes economic and social development, while strengthening effective governance and increasing the size of the Frontier Corps. The U.S. Government's supporting contribution is the Security Development Plan, a six-year multi-faceted program to enhance Pakistan's ability to secure its border with Afghanistan. This plan, co-developed the Embassy in Islamabad and USCENTCOM, includes support for the expansion, training and equipping of the Frontier Corps and special operations units of the Pakistan Army, including the Special Services Group and its helicopter mobility unit, the 21st Quick Reaction Squadron. As part of its Frontier Strategy, the Pakistani Government also has developed a Sustainable Development Plan for the tribal areas.<sup>52</sup>

*Global Context.* Sanctuary in the FATA also has a global dimension. Globalization, a by-product and driving force behind global transportation and instantaneous communication networks, allows nearly anyone to rapidly move people, goods, money, and information globally with relatively low cost and anonymity. Globalization's demand for the rapid transfer of material, information, and funds has created an environment that governments, even when collaborating with others, find it challenging to influence, let alone to control. Given this, al Qaeda has, and will retain, a

range and breadth for their operations, that extends well beyond the confines of a single state or a segment of society.

Yet the Pakistani government, within the FATA in particular, does not reap the economic benefits often associated with globalization. There are few economic opportunities available to the people in the tribal areas. Most households raise livestock, grow subsistence crops in the few fertile valleys, or run small-scale business, while others are involved in transport, timber, mining, or light industry. Many people, both within and outside the tribal system, seek jobs as short-term unskilled laborers or join local security and paramilitary forces.<sup>53</sup> Those who are able to travel seek employment in Pakistan's cities, and across the Middle East, using their earnings to support families at home. Many of the most educated and skilled people, including doctors, teachers and technicians, have migrated and are reluctant to return to FATA.

Poverty in the tribal areas is higher than levels found in the rest of Pakistan, and to some extent, has made the population vulnerable to the lure of extremist tendencies and criminal activity. In the absence of licit options to earn a living, the money from illegal activities like drug smuggling or serving as mercenaries for extremist elements is difficult to resist.<sup>54</sup>

The economy operates on an informal basis and few laws exist to regulate the economic activity in the tribal areas.<sup>55</sup> Few indigenous investment options exist for business entrepreneurs, and financial services are not available.<sup>56</sup> To compound these problems, no legal framework for private-sector investment exists in the FATA, so it will remain challenging to encourage institutional financial services and private-sector investment needed to generate a wider range of activities.<sup>57</sup>

The Pakistani government, recognizing the systemic problems and instability in the region has developed a long-term strategy to secure the future.<sup>58</sup> In cooperation with private groups, citizens, and several international supporters, the Pakistani government produced the FATA Sustainable Development Plan.<sup>59</sup> The intent for the plan is to close the seams between strategic requirements, development planning, and on the ground realities defined by the complex society in the tribal areas.<sup>60</sup>

The FATA Sustainable Development Plan attempts to use a people-centered approach, with the active participation of a wide range of stakeholders, to facilitate social and economic development. It outlines steps to improve social services, upgrade physical infrastructure, promote the sustainable use of natural resources, and enhance activity in the trade, commerce and industrial sectors. It also looks at broader issues that range from governance and institutional capacity to social cohesion and cultural identity. The plan focuses on identifying and executing priority interventions over the first five year phase, and follows up with a consolidation period over the last four-years.<sup>61</sup>

Implementation of the plan is replete with challenge, not the least being resistance by the local Taliban. In an appropriate summary of the situation, Samina Ahmed of the International Crisis Group stated “If you try to build a school in (a militant stronghold) today, how long will it be there before it is attacked? It is in the interests of the militants to make sure that the state isn’t seen to deliver services.”<sup>62</sup> As a case in point, Maulana Fazullah, a leader of the Taliban linked *Tehreek-e-Nafaz-e-Shariat-e-Mohammadi*, has burned down 200 girls’ schools and forced the closure of 400 more in the Swat valley. He has also targeted health care workers conducting vaccination

programs, labeling them as Jewish and Christian conspirators, and driven them out of the area.<sup>63</sup>

The U.S. State Department supports<sup>64</sup> the Sustainable Development Plan with a variety of programs including security assistance for the Frontier Corps, economic and development assistance for the tribal region, private sector development, and a proposal for Reconstruction Opportunity Zones<sup>65</sup> to help create jobs in the border areas of Pakistan. However, even with substantial foreign support, the slowdown of the global economy and Pakistan's current economic crisis will restrict both the scale and scope of security and development programs.<sup>66</sup> This will force a phased implementation in the FATA, which in turn, will add a level of complexity for synchronizing supporting efforts across the border in Afghanistan and in adjacent regions of Pakistan. Inevitably, the Taliban will resist and target U.S. aid efforts, as demonstrated on 12 November 2008 with the assassination of an American aid worker, Stephen Vance, in Peshawar, Pakistan.<sup>67</sup>

Without a doubt, the lack of security in the FATA, including inter-tribe, criminal, and extremist violence, is the greatest stumbling block to sustained development in the area. In addition, the weak system of governance is the crucial factor leading to the lack of development and legitimacy, especially when the FATA is compared to the rest of Pakistan. Without some changes to instill better governance, with the transparency, accountability and legal framework of more institutionalized state systems, the FATA will remain limited in terms of widespread economic development and justice for all citizens.<sup>68</sup>

The dilemma for Pakistan's government is clear. How can they devolve the tribal structure of the FATA to facilitate integration into the rest of Pakistan, while simultaneously targeting the Taliban and al Qaeda extremists? The only suitable solution appears to be one of picking sides, and that means to form an alliance with the Pashtun tribes to go after the more dangerous threat first. Pakistan must work the tribes, reinstating the tribal structure where it has been replaced by the Taliban, and reinforcing the tribes where they are threatened. Once the Taliban and al Qaeda threat has been removed, the Pakistani government can work the long-term structural changes needed to devolve the enhanced tribal structures, and integrate the FATA into the rest of Pakistan. Undoubtedly this will require a combination of finesse and patience that will be difficult to find in the current environment.

#### Analysis of Sanctuary in the FATA

The struggle between the Pakistani government, traditional Pashtun tribal structures, Taliban and al Qaeda extremists, and multiple external actors within the FATA could well determine the future viability of the moderate Pakistani state. At present, traditional Pashtun tribes are a group in transition, moving against their nature towards autocratic religious extremism. However, the disparate tribal factions have not entirely lost their social structure and offer the best, if not only, potential solution to roll back the Islamist influence. Looking to the future, the Pakistani government with an appropriate strategy, resources, and action, should be able to stabilize the tribes in the short term and set conditions to expand their participation in the political process, ultimately leading to the defeat of al Qaeda and extremist Islamists.

Given the difficult and multifaceted problems of the insurgency in the FATA, clear cut solutions are difficult to recognize. By using several models for counterinsurgency design to organize my analysis, it is possible to develop a clear strategy and make recommendations for implementation to close the safe haven in the FATA. These models include three proposed by Dr. Gordon McCormick at the Naval Postgraduate School,<sup>69</sup> and one proposed by Eric Wendt at the U.S. Army War College.<sup>70</sup>

The most important model for understanding the problem is Gordon McCormick's *Diamond Model*. By applying a FATA specific version of his model, we can readily visualize the most important aspects of the struggle and for this a three dimensional bipyramidal hexadron is useful (see figure 3). The five points of the hexadron define the nature of the struggle between the government and the two counter-governments within the context of the population and relevant international actors. It identifies the six lines of effort, or legs, between the five points of the hexadron, which the government must effectively pursue to ultimately defeat the insurgency. These six lines of effort include: (1) Government ties to the population; (2) Population ties to the two counter-governments (Tribal System and Taliban/al Qaeda); (3) Government efforts to target or change the two counter-governments; (4) Competition between the Tribal System and Taliban and al Qaeda; (5) Government influence on external actors; and (6) External influence on the two counter-governments.

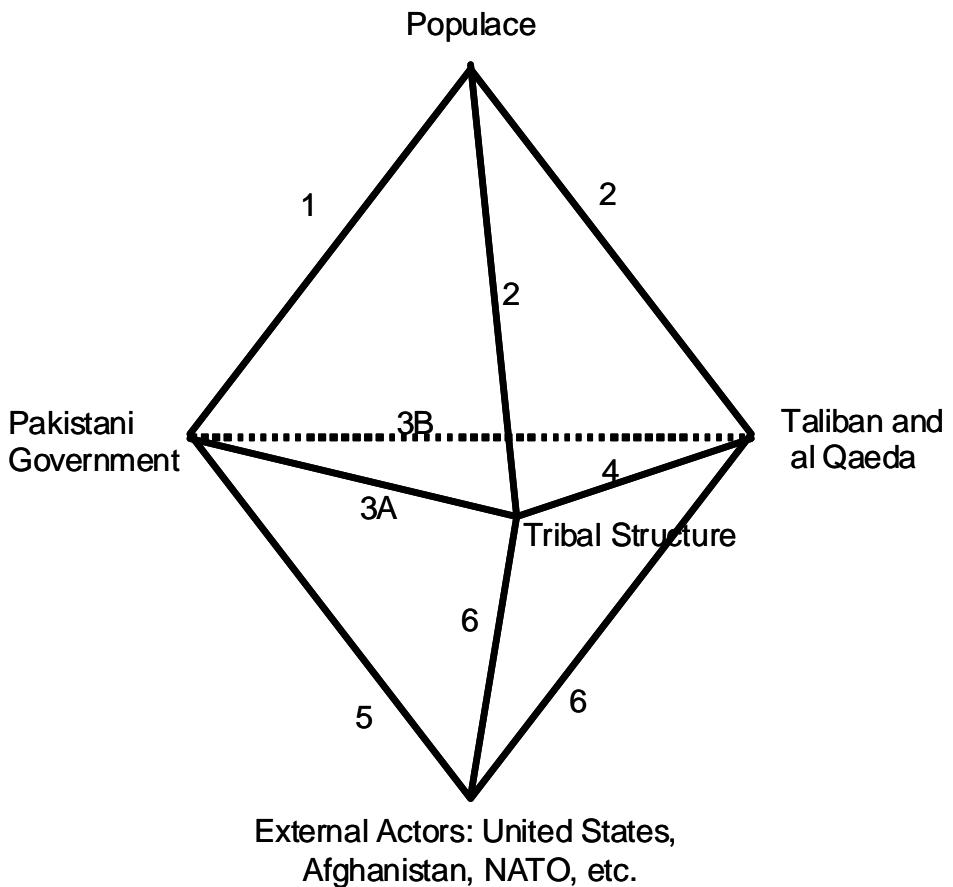


Figure 3. FATA Counterinsurgent Theory: Gordon McCormick's Model Applied

The Pakistani government enjoys the advantages of greater firepower, larger security forces (military and police), and greater financial capacity, although they are limited on projecting this power into the FATA. The Taliban and al Qaeda elements in the FATA enjoy the advantage of better intelligence on Pakistani security forces and tribal infrastructure. They retain anonymity within the population, often reinforced by the Pashtun code of providing sanctuary, while continuing to wrest control from the government and tribes through the use of coercion and religious fervor.

The Pakistani government and the Taliban and al Qaeda must try to gain advantage over the other in the FATA in order to win. The government must establish

control (figure 3, leg 1), or enable tribal control (figure 3, leg 3A) of the populace in order to develop adequate intelligence (figure 3, leg 2) to effectively attack the Taliban and al Qaeda infrastructure (figure 3, legs 3B and 4).<sup>71</sup> On the other hand, the Taliban and al Qaeda must gain more firepower, personnel, and resources to push the Pakistani government out of the area and complete dominance over the tribal structure and population.

The first step of a successful counterinsurgent strategy is for the government to establish control of the populace and start to build legitimacy. If the Taliban own the village, then the Taliban will retain their anonymity and will be capable of generating the resources needed to continue pushing the government out of the FATA. In the short term, the government must first help the tribes regain or retain security and gain tribal control of the village before it can effectively defeat the Taliban and al Qaeda.

In order to provide security and establish control at the clan level, the Pakistani military must do several things. First, they must work to enhance and support the most important counterinsurgent component, the tribal constabulary force. This main effort comprised of *khassadars*, *levies*, and *lashkars*, perform their tribal police functions and the majority of the actual “clear and hold” operations. The Pakistani Army must be prepared to advise and assist, but generally the tribal constabulary only requires improvements on the margins. Many are already organized and equipped to deal with the most immediate and common threat, Taliban militant cells or squad sized bands. Minor enhancements for training and equipment will make them a more efficient, and sustainable force. However, the constabulary units should not be built up to the point of defeating their intended purpose, nor to pose a threat to adjacent tribes or the state.

Simultaneously, the Pakistani Army must be prepared to reinforce the constabulary in a reliable and responsive manner with quick reaction forces and precision fire support to prevent the destruction of constabulary elements by larger Taliban and al Qaeda groups. Small elements of Pakistan's Special Services Group and local Frontier Corps units with air mobility and fire support assets are ideal for this mission. While some may be tempted to create pure tribal forces for this role, creating large, well trained and equipped militia forces needed to counter large Taliban and al Qaeda threats, risks predatory militias or warlord gangs that would operate outside the control of both the tribe and the state

For the final counterinsurgent component, the Pakistani Army must provide a movement to contact forces to disrupt Taliban and al Qaeda sanctuaries and prevent the actual formation of large insurgent maneuver elements that can challenge even the best tribal *lashkars*. Tactics for accomplishing this task would include movement to contact sweeps through known sanctuaries and establishing border strong points to deny the free movement and sustained operations by large groups of Taliban and al Qaeda militants.<sup>72</sup>

With the long mountainous border between the FATA and Afghanistan, the most efficient and effective way to control the border is to actually control the populations on both sides of the border--not by establishing an impenetrable barrier. A border screen of a fairly coarse mesh is required, capable of discouraging cross border movement and protracted operations by platoon size (approximately 30 personnel) or larger elements that could challenge local constabulary forces on either side of the border. Ongoing

programs for combined monitoring centers and border control points facilitate these actions, and fall into the category of movement to contact forces.

A simultaneous effort is for the government to rebuild legitimacy of the tribal structures and to set the foundation for building Pakistani legitimacy with the populace.<sup>73</sup> With legitimacy, governance is inherently stable because the majority of the populace willingly consents to its rule. On the other hand, if the government is perceived as illegitimate, it can only rule effectively in the short term, with costly overwhelming coercion. For the Pakistani government to be perceived as legitimate in the FATA, it must help the tribes provide culturally-specific security and essential development for its populace. What constitutes “essential” for a remote village based on subsistence agriculture is different from an urban area economically based on trade; however, essential development items in the FATA include medical care; improved agriculture, education, access to micro-finance and markets, and power.

While these development items are broadly captured in the Frontier Strategy and Sustainable Development Plan, Pakistan lacks an appropriate strategy for detailed implementation and corresponding security efforts. In order to specifically target development resources at the individual village or clan level, the Pakistani government’s counter insurgency strategy must establish localized security and conduct detailed assessments to identify priority development shortfalls to rapidly enhance its legitimacy with its people.

To make these steps feasible, Pakistan’s Army must have regular Army units that live and operate within the population and tribes they support. Security, legitimacy, and actionable intelligence will not come from isolated Frontier Corps, occasional raids, or

air strikes. To develop detailed local knowledge and implement appropriate carrots and sticks, the Pakistani military must organize, train, and equip for long-term presence and distributed operations, with leadership and advisors that are culturally attuned and familiar with specific clans. These leaders must be appropriately empowered and restrained to work by, thru and with tribal structures to effectively facilitate security, implement development, and monitor the population.

Pakistan's military does not have an optimal structure to accomplish many of the tasks to effectively enhance and monitor tribal security forces. Specialized constabulary liaison teams are needed to provide some backbone for the irregular forces and serve as a conduit for the resources of the Pakistani Army. These small, cross-functional teams would provide tribal security forces advice in training and operations, assistance with equipment, communications, medical care, and logistics, while also serving as a conduit for ground truth and good governance. An appropriate structure to model or adapt would be the U.S. Army's Special Forces Operational Detachments Alpha, or Green Beret "A-Teams." Similar Pakistani units that speak Pashtun, with a wide mix of combat and civil-military skills would be highly effective force multipliers with tribal security forces and law enforcement.

Pakistan's Army is not the only institution that must operate within the villages. Development experts and managers must also develop detailed local knowledge to select, design, and complete appropriate development projects. Pakistan's government must also organize, train, and equip civilian or civil-military multi-functional development teams for long-term and distributed operations like the military. In most cases, these teams will need to work hand-in-hand with the military, and be similarly empowered and

restrained to work by, thru and with tribal structures to implement effective micro-level development.

The Pakistani government's application of carrots and sticks against two counter-states imbedded to varying degrees within the population will require significant finesse. The government must establish security and control using only as much coercion as necessary, and only for as long as necessary, and ideally only after or in concert with culturally-attuned carrots to induce the populace the government's rule.<sup>74</sup> To better understand how to approach using the stick, concepts on the application of repression from social movement theory are useful, particularly the evaluation of repression in terms of directness, visibility, and legitimacy.<sup>75</sup>

The tribal structure in the FATA may be characterized as being a relatively low threat, organized, and highly embedded within the population. An appropriate repression strategy for the tribal structures would tend to be much more channeling than coercion; a mix of observable and unobservable, in a more sanctioned than unsanctioned manner. An example of an appropriate channeling, observable, and sanctioned action would be cutting off development projects for tribes that do not cooperate.

Taliban and al Qaeda may be characterized as being a relatively high threat, organized, and poorly embedded within the population. An appropriate repression strategy for the Taliban and al Qaeda would tend to be a balanced mix of coercion and channeling; a mix of observable and unobservable, and a balance of sanctioned and unsanctioned actions. An example of an appropriate coercive, observable, and unsanctioned action would be a U.S. Predator strike against al Qaeda leadership.

The Taliban and al Qaeda have limited capacity to conduct channeling and rely heavily on coercion to influence tribal leaders, which is counterproductive within the Pashtun society. The Pakistan government has significant capacity for channeling tribal leaders, and should exploit this advantage. Once the Pakistani government is able to more closely align tribal leaders and the population to the government, the most extreme Taliban and core al Qaeda members will no longer be tolerated, and will be easily captured or killed by tribal, or government, forces.

As the Pakistani government builds legitimacy with the tribes in the FATA, it must also work to enhance its legitimacy in the eyes of international actors that have vested interests in the region (figure 3, leg 5). This will help secure sustainable levels of support from the international community and non-government organizations, and reduce support for the Taliban and al Qaeda by external actors (figure 3, leg 6).

The Pakistani government must also understand the development in the FATA in the context of globalization. In the near term, the economic operating system and software<sup>76</sup> (legal framework, regulations, government oversight) needed to make the FATA attractive to investment by global markets is beyond reasonable expectation given the current situation. With time and continued effort, these mechanisms may be put in place, but the necessity of reinforcing the tribal system for security in the short term will slow the integration of the FATA into a more modern Pakistan state, and implementation of appropriate global economic software will be measured in decades or generations, not years.

For the Sustainable Development Plan to work, Pakistan, the U.S., and other governments will have to provide heavy investments, tax exemptions, and subsidies to

build a base of local entrepreneurs. All parties recognize up front that these short-term actions are necessary, but not sustainable. Targeted and micro-level development must take place, followed by a clearly defined strategy to gradually transform a subsidized system into a platform suitable for wide scale development within a global market economy.<sup>77</sup>

It will be impossible to implement this strategy and achieve victory with only military might or sporadic economic development. To apply an effective strategy to defeat the insurgency, Pakistan must use all elements of its national power (military, intelligence, diplomatic, law enforcement, information, financial, and economic) in an appropriate<sup>78</sup> and synchronized manner. The U.S. must also use a similar approach and provide integrated, whole of government support to Pakistan to maximize their chances of being successful. The best way to develop and implement a comprehensive and synchronized plan to deal with the terrorist safe haven in the FATA, is to do it from the bottom up or from the inside out, and not from the top down.

The U.S. organization closest to the fight, with the expertise and charter to use the full capacity of the government and able to react to the dynamic situation in Pakistan is the U.S. Embassy in Islamabad.<sup>79</sup> The American Ambassador, supported by a robust country team and USCENTCOM must develop a comprehensive plan using the full capabilities provided by Defense, State, USAID, and other agencies. This Embassy plan must be rapidly approved or modified, resourced, and supported by the interagency, the President, and Congress, then implemented by, through, and with the Pakistani government to be effective.

### Recommendations for Dealing with Sanctuary in the FATA

The complexity and number of issues related to Pakistani Taliban and al Qaeda sanctuary in the FATA is mirrored by an equally complex and diverse set of proposed solutions to solve the problem. Assuming that the current government of Pakistan continues to move beyond recognizing the problems of insurgency and extremist violence, and is able to develop the political will to act in a responsible manner for domestic security, the following recommendations would reframe the current approach, without discarding many ongoing aspects.

The Obama Administration should take steps to:

- Assist the government of Pakistan to refine their Frontier Strategy, and develop a complete and appropriate counterinsurgency strategy, supported by Richard Holbrooke, U.S. Embassy in Islamabad, USCENTCOM, and all applicable U.S. government agencies. The strategy must simultaneously provide security and targeted development at the village level, using and reinforcing existing Pashtun tribal structures.
- Press the Pakistani Army to refocus its priority to the FATA and the west—five of its six corps focus on the east. Stability in the FATA, a real threat to the state's survival, is not just the Ministry of the Interior's concern, and the Army is not predisposed, trained, equipped, or designed to fight there.
- Press Pakistan's Inter-Services Intelligence into a reduced role in the FATA and to disassociate with al Qaeda and Taliban extremists. Support development of federal police to take lead in the area.

- Direct the U.S. Embassy in Islamabad to update the Security Development Plan as appropriate, with coordinated efforts of USCENTCOM and a robust country team in U.S. Embassy in Islamabad.
- Support USCENTCOM and U.S. Embassies in Islamabad and Kabul ongoing efforts to synchronize security and development efforts in the border region to maximize effects. Good examples include Operation Lionheart,<sup>80</sup> combined Border Coordination Centers, and harmonizing customs enforcement, trade promotion, and infrastructure upgrades.
- Support bottom up planning and execution. Direct all agencies of the executive branch to support the U.S. Embassy in Islamabad's detailed planning and preparation, and execution. Minimize bureaucratic roadblock for tactical adjustments that will be required.
- Continue to coordinate and execute selective targeting of al Qaeda leadership in the FATA when the quality intelligence is high and probability of excessive collateral damage is low until Pakistan can do the job. Seek to channelize development efforts in targeted areas before or after strikes if possible.
- Work with Congress to ensure adequate and timely resources for all elements of national power to support the plan.

The U.S. Embassy in Islamabad and USCENTCOM should take steps to:

- Assist develop and support a Pakistani programs to organize, train, and equip constabulary liaison teams, quick reaction forces, and movement to contact forces, along with civilian or civil-military multi-functional development teams for long-term and distributed, village level operations in the FATA.

- Limit building excessive capacity that is problematic and not sustainable. The Pakistani military and government organizations need improvements on the margins for leveraging the tribes and gaining specific relative advantages over the insurgents. Key elements are to professionalize security forces, maintain a human rights emphasis that limits collateral damage, and develop better governance in the FATA with the transparency, accountability and legal framework of more institutionalized systems in the rest of Pakistan. Include procedures for assessment, monitoring, measuring effectiveness, and adjusting execution of the plan.
- Less U.S. military presence is better, and those assisting in the area must be discreet. Use small, discrete teams of U.S. advisors working with Pakistani military and Frontier Corps. The Pakistanis must lead, advise and assist tribal militias to provide local security. Develop mechanisms to channel aid through the Pakistani government, responsible political groups, and tribal structures.
- Assist develop and support a Pakistani public information campaign to prepare and sustain tribal support` for the government's actions.

### Conclusion

The government of Pakistan must adopt an appropriate counterinsurgency strategy for implementation in the FATA, conduct the detailed planning and preparation, and execute its plan with tactical adjustments as necessary. The counterinsurgency strategy must simultaneously provide security and targeted development at the village or clan level, using and reinforcing existing Pashtun tribal structures to rapidly enhance its legitimacy in the region.

U.S. Embassy in Islamabad must develop, implement, and monitor a comprehensive and synchronized supporting plan, using all elements of national power, and retain flexibility to react to the complex and dynamic situation in Pakistan. This plan must be expeditiously approved, resourced, and supported by the interagency, the President, and Congress, then implemented by, through, and with the Government of Pakistan to be effective.

If we approach the problem in this manner, using all elements of our national power to support the development and execution of an effective Pakistani counter-insurgency strategy that is attenuated by social, state, and global realities to use existing Pashtun tribal structures, we will eliminate Pakistani Taliban and al Qaeda sanctuary in the FATA.

### Endnotes

<sup>1</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 17, 2004, page 361, <http://govinfo.library.unt.edu/911/report/index.htm> (accessed 11 September, 2008).

<sup>2</sup> Ibid., 367.

<sup>3</sup> George W Bush, *National Strategy for Combating Terrorists* (Washington DC: The White House, September 2006), 21-22.

<sup>4</sup> For the purpose of this paper, I use the term “Pakistani Taliban and al Qaeda” to include other insurgent and extremist Islamic groups found in the FATA that threaten our security. These include al Qaeda in Afghanistan and Pakistan, Islamic Jihad Union/Islamic Jihad Group (IMU/IMT), Jaish-ul-Muslimin, Tehrik-e-Taliban (TTP)/Pakistani Taliban, Afghan Taliban, Haqqani Network, Hizb-e-Gulbuddin (HIG), Lashkar-e-Jhangvi (LeJ), Lashkar-e-Omar (LeO)/al-Qanoon, Tehrik-e-Nafaz-e-Shariat-e-Mohammadi/Movement for the Enforcement of Islamic Laws/Black Turbans.

<sup>5</sup> The GAO recommended that a comprehensive plan be developed to combat the terrorist threats and close the safe havens in the FATA. It is interesting to note that the Defense Department and USAID concurred, while the Department of State asserted that a comprehensive strategy exists, and the Office of the Director of National Intelligence stated that plans exist. The National Security Council did not provide comments. The GAO’s view is that agency plans have not been formally integrated into a comprehensive plan. See U.S. Government Accountability Office, Combating Terrorism; *The United States Lacks*

*Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas* (Washington, DC: U.S. Government Accountability Office, April 2008), 1-3.

<sup>6</sup> Ibid., 3-6.

<sup>7</sup> Ted Gistaro, "Remarks for the Washington Institute for Near East Policy," 12 August 2008, 2, [http://www.dni.gov/speeches/200812\\_speech.pdf](http://www.dni.gov/speeches/200812_speech.pdf) (accessed 11 September, 2008).

<sup>8</sup> The tribal areas are bounded on the north and east by the North West Frontier Province (NWFP), on the south by the province of Balochistan, and in the south-east, the FATA joins the Punjab province. The Afghanistan – Pakistan border along the Durand Line forms the western border of FATA. The mountainous terrain is broken by small basins or valleys, dotted with settlements and agricultural fields. The area is geographically and administratively divided into the northern, central and southern regions. The northern zone includes the Bajaur and Mohmand agencies and forms a transition zone between the Hindukush Mountains and the lowland basins. The central region includes the Khyber, Kurram and Orakzai political agencies, and the Kohat and Peshawar frontier regions. The dominate terrain is the Safed Koh Mountains that stretch eastward from the Terimangal pass at elevations over 3,600 meters. The fertile valleys of Bara, Khanki, Kurram and Mastura contain the most extensively cultivated land in FATA. The southern region comprises the North Waziristan and South Waziristan political agencies, and the Bannu, Dera Ismail Khan, Lakki Marwat and Tank frontier regions. To the south of the Safed Koh are the Sulaiman Mountains and the Waziristan Hills, which rise to an altitude of between 1,500 and 3,000 meters. See Government of Pakistan, *FATA Sustainable Development Plan*, 7-8.

<sup>9</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 3.

<sup>10</sup> Ed Brown, "Description Map of Pakistan's North-West Frontier Province and Federally Administered Tribal Areas," *Creative Commons*, May 2, 2007, [http://commons.wikimedia.org/wiki/File:Map\\_showing\\_NWFP\\_and\\_FATA.png](http://commons.wikimedia.org/wiki/File:Map_showing_NWFP_and_FATA.png) (accessed 11 Feb 2009).

<sup>11</sup> Olaf K. Caroe, *The Pathans*, 550 B.C. - A.D. 1957 (New York, St Martin's, 1958) quoted in Thomas H. Johnson and M. Chris Mason, "No Sign until the Burst of Fire," *International Security*, 32, no. 4 (Spring 2008): 51.

<sup>12</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 14.

<sup>13</sup> Ibid., xvi.

<sup>14</sup> Mukhtar A. Khan "The Role of Tribal Lashkars in Winning Pakistan's War on Terror," *Terrorism Focus*, Volume V, Issue 40 (November 26, 2008), [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=34186](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=34186) (accessed 11 February 2009).

<sup>15</sup> Johnson and Mason, "No Sign until the Burst of Fire," 62.

<sup>16</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 18.

<sup>17</sup> Ibid., xvi.

<sup>18</sup> Johnson and Mason, "No Sign until the Burst of Fire," 61.

<sup>19</sup> Ibid., 62.

<sup>20</sup> S. Iftikhar Hussain, *Some Major Pashtoon Tribes along the Pak-Afghan Border* (Islamabad, Pakistan: Peshawar Area Study Centre, 2000), 20-27 quoted in Mateen A. Mirza, *Taming The 'Wild West' – Integrating the Federally Administered Tribal Areas of Pakistan*, Thesis, (Monterey, CA: Naval Postgraduate School, December 2005), 7.

<sup>21</sup> Pashtun society is male dominated and patriarchal. A frequent Pashtun custom is cousin marriage—where a boy marries the daughter of his father's brother to retain the families resources. However, male cousin rivalry is common as they vie for inheritance from the common grandfather, wives, and influence within the family group. See S. Akbar Ahmed. *Religion and Politics in Muslim Society. Order and Conflict in Pakistan* (Cambridge: Cambridge University Press, 1983), 24 quoted in Mateen A. Mirza, *Taming The 'Wild West' – Integrating the Federally Administered Tribal Areas of Pakistan*, Thesis, (Monterey, CA: Naval Postgraduate School, December 2005), 7.

<sup>22</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 18.

<sup>23</sup> Johnson and Mason, "No Sign until the Burst of Fire," 70-71.

<sup>24</sup> Pakistan still struggles with the problem of the foreigners who began taking up residency in the FATA in the early 1980s. Fighters of Chechen, Uzbek, Yemeni, Moroccan and other nationalities have married into the local clans, and brought money to the area. See Bartholomew U. Shreve, e-mail message to author, March 13, 2009.

<sup>25</sup> Afghan refugees (*Mujahir Afghans*) in Pakistan fled Afghanistan after the Soviet invasion in 1979 and during the civil war that followed. Since the early 1980s, approximately 3 million Afghan refugees were settled in Pakistan. After September 11, 2001, when the United States and NATO Military forces war with the Taliban in Afghanistan, a further million or so Afghans fled their country. By the end of 2001, there were approximately 5 million Afghan refugees in Pakistan, which included the numbers that were born inside that Pakistan since the Soviet invasion. Since early 2002, more than 3 million Afghan refugees have been repatriated through the United Nations High Commissioner for Refugees (UNHCR) from Pakistan back to Afghanistan. In August 2008, U.N. officials said that Pakistan indefinitely extended a deadline for the repatriation of the remaining 1.8 million registered Afghan refugees in Pakistan. Approximately 80% of the refugees who departed Pakistan were those that were living in North West Frontier Province (NWFP), 13% were from Balochistan, 3% from Sindh, and the remaining 4% from Punjab and Pakistan's capital city, Islamabad, Wikipedia, [http://en.wikipedia.org/wiki/Afghan\\_refugees](http://en.wikipedia.org/wiki/Afghan_refugees) (accessed on 11 Feb 2009).

<sup>26</sup> In all, the United States funneled more than \$2 billion in guns and money to the Afghan mujahidin during the 1980s. In the early years of U.S. support to mujahidin, the CIA purchased assault rifles, grenade launchers, mines and SA-7 light antiaircraft weapons, and then arranged for shipment to Pakistan. The amounts were significant: 10,000 tons of arms and ammunition in 1983, but only a fraction of what they would be a few years later. President Reagan signed National Security Decision Directive 166 in March 1985, which authorized a dramatic increase in arms supplies. By 1987, covert U.S. assistance to the mujahidin rose to 65,000 tons annually. Steve Coll, "Anatomy of a Victory: CIA's Covert Afghan War," Washington Post, July 19, 1992,

<http://www.globalissues.org/article/258/anatomy-of-a-victory-cias-covert-afghan-war> (accessed on 11 Feb 2009).

<sup>27</sup> Johnson and Mason, "No Sign until the Burst of Fire," 70-71.

<sup>28</sup> Ibid.

<sup>29</sup> Jane Perlez and Pir Zubair Shah, "Pakistan Uses Tribal Militias In Taliban War," *New York Times*, 24 October 2008, <http://ebird.osd.mil/ebfiles/e20081024635683.html> (accessed 24 October 2008), 1.

<sup>30</sup> Ibid., 1-4.

<sup>31</sup> Ashley Bommer, "Where America fears to tread," in *guardian.co.uk*, Sunday 7 December 2008 13.00 GMT at <http://www.guardian.co.uk/commentisfree/2008/dec/07/pakistan-usforeignpolicy>

<sup>32</sup> "Chapter Seven: Central and South Asia Caribbean and Latin America," *The Military Balance*, (London, England, February 2009), 329-331.  
<http://dx.doi.org/10.1080/04597220802709928> (accessed 27 Feb 2009).

<sup>33</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 5.

<sup>34</sup> Wikipedia, [http://en.wikipedia.org/wiki/Frontier\\_Crimes\\_Regulations](http://en.wikipedia.org/wiki/Frontier_Crimes_Regulations) (accessed 24 October 2008).

<sup>35</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 5-6.

<sup>36</sup> Several modes of settlement are available for the parties involved—arbitration, customary law, or *Shariah* (Islamic) law. Where arbitration is selected, a *jirga* is nominated by consensus, with the understanding that its decision will be accepted by all parties and the *jirga*'s decision cannot be challenged. In cases decided by customary law or *Shariah* law, an aggrieved party may challenge the *jirga*'s decision by having another *jirga* examine the original decision to see if it deviates from customary law or the *Shariah*. Appeal may be continued to a third *jirga* and its decision is final. In non-protected areas the tribe is responsible for implementing *jirga* decisions. Ibid.

<sup>37</sup> Ibid., 7.

<sup>38</sup> Modified from Cdre Tahir, "Governance of the Federally Administered Tribal Areas (FATA)," briefing slides, Islamabad Pakistan, National Defence University, January 22, 2009.

<sup>39</sup> Ibid., 5-6.

<sup>40</sup> Ibid. The establishment of federal levies and *khassadars* in the FATA was introduced by the British and is still used to maintain law and order in the tribal areas. The political agent controls federal levies and *khassadars* which run the day to day policing the agency. *Khassadar* positions are often hereditary, and they are generally armed with personally owned weapons and do not wear uniforms. Levies function as community police or auxiliary police drawn from

local clans. They are lightly armed, may wear uniforms, and have minimal, if any training. Also see Johnson and Mason, "No Sign until the Burst of Fire," 44.

<sup>41</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 5-6.

<sup>42</sup> Greg Miller, "U.S. military aid to Pakistan misses its Al Qaeda target", *Los Angeles Times*, November 5, 2007, <http://www.truthout.org/article/us-military-aid-pakistan-misses-its-al-qaeda-target>, (accessed December 7, 2008).

<sup>43</sup> Sher Alam Shinwari, "The FATA Areas: So Near Yet So Far Away", *kyber.org* web site, <http://www.kyber.org/pashtoplaces/fataareas.shtml> quoted in Government of Pakistan, *FATA Sustainable Development Plan*, 5.

<sup>44</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 14.

<sup>45</sup> Ibid., 5-6.

<sup>46</sup> Ibid., 55.

<sup>47</sup> Ibid., 56.

<sup>48</sup> Ibid.

<sup>49</sup> Perlez and Shah, "Pakistan Uses Tribal Militias in Taliban War," 1-4.

<sup>50</sup> Ibid.

<sup>51</sup> Mark Mazzetti and Eric Schmitt, "Afghan strikes by Taliban get Pakistan help, U.S. aides say" *The International Herald Tribune* (NY), March 25, 2009, <http://www.iht.com/articles/2009/03/25/asia/26tribal.php> (accessed 27 Mar 2009).

<sup>52</sup> John D. Negroponte, "Pakistan's Fata Challenge: Securing One of the World's Most Dangerous Areas" *Congressional Record* (May 20, 2008), <http://merln.ndu.edu/archivepdf/pakistan/State/105041.pdf> (accessed 7 December 2008).

<sup>53</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 11-12.

<sup>54</sup> Ibid.

<sup>55</sup> Ishfaq Ali, *Laws Extended to the Tribal Areas with Jirga Laws* (Peshawar, Pakistan: Fine Arts Press, 2003), quoted in Ibid., 12.

<sup>56</sup> Ibid., 18.

<sup>57</sup> Ibid., 140.

<sup>58</sup> Ibid., XX.

<sup>59</sup> Key partners in developing the *FATA Sustainable Development Plan* included the World Conservation Union (WCU), United States Agency for International Development (USAID),

United Kingdom of Department for International Development (DFID), International Medical Corps (IMC). See *Ibid*, X.

<sup>60</sup> *Ibid.*, XX.

<sup>61</sup> *Ibid.*

<sup>62</sup> "US aid effort under fire in Pakistan border area," *The Hindu* (Chennai, India), February 27, 2009, <http://www.hindu.com/holnus/000200902271032.htm> (accessed 3 March 2009).

<sup>63</sup> Jonathan Manthorpe, "Despite deals, Taliban stalk Swat Valley," *Vancouver Sun*, February 18, 2009, <http://www.vancouversun.com/health/Despite+deals+Taliban+stalk+Swat+Valley/1300994/story.html> (accessed 3 March 2009).

<sup>64</sup> The United States began an effort in fiscal year 2007 to provide over \$1 billion from fiscal year 2007 through 2011 for development assistance, security, infrastructure, and public diplomacy in support of the Pakistani government. This approach represents the first effort by the U.S. embassy to directly plan, implement, coordinate, and monitor a multidepartment effort to combat terrorism in the FATA. Efforts are directed to four areas: 1. Development: USAID leads capacity building for the FATA institutions needed to plan, manage, and monitor development projects; efforts to build community and government relations; funding for health and education services; and efforts to increase employment and economic growth. 2. Security: Defense and State security effort include training for military and paramilitary units in the FATA—including the Frontier Corps, special operations forces, and air crews—and for providing night vision goggles, radios, and other equipment. 3. Infrastructure: The U.S. embassy has designated infrastructure improvements related to both its security and development efforts would be used for road construction, the Frontier Corps training center, and border surveillance outposts. And 4, A variety of public diplomacy programs. See U.S. Government Accountability Office, *The United States Lacks Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas*, 17-25.

<sup>65</sup> Reconstruction Opportunity Zones are a program to provide duty-free treatment of goods produced in Afghanistan and border regions of Pakistan, similar to Qualifying Industrial Zones implemented in Jordan and Egypt. The goal is to create investment opportunities, jobs, and long term employment opportunities, encourage cooperation and better trade relations between Afghanistan and Pakistan, and stimulate broader economic growth by creating connections to the global economy. If the proposal is approved by the U.S. Congress, the program will be implemented by the Government of Pakistan. However, the original bill was proposed in the previous session of Congress, and at the end of the last session all proposed bills were cleared from the books. Members may reintroduce a similar bill under a new number in the current session. See "S.2776: Afghanistan and Pakistan Reconstruction Opportunity Zones Act of 2008," in *govtrack.us*, <http://www.govtrack.us/congress/bill.xpd?bill=s110-2776> (accessed 1 Feb 2009).

<sup>66</sup> Frederick Barton and Karin von Hippel, "Afghanistan & Pakistan on the Brink: Framing U.S. policy Options," *Center for Strategic and International Studies*, (February 2009): 6-8.

<sup>67</sup> Jane Perlez, "U.S. Aid Worker Slain in Pakistan," *The New York Times*, November 12, 2008, <http://www.nytimes.com/2008/11/13/world/asia/13pstn.html?hp> (accessed 1 Feb 2009).

<sup>68</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 18.

<sup>69</sup> Gordon McCormick's *Diamond Model* outlines a basic COIN models struggle involving four players. The four points of the diamond define the nature of the struggle between the government and the counter-government within the context of the population and relevant international actors. It identifies the five lines of effort or legs between the four points of the diamond, which the government must effectively pursue to ultimately defeat an insurgency. *The Area of Influence Model* demonstrates the struggle for legitimacy and influence (control) over the populace. The model assumes a segment of any populace will be hardcore pro-government and another segment will be hardcore anti-government. The hardcore anti-government individuals like core Taliban and Al Qaeda may be so extreme that they will not be influenced by reason and incentives. The *Equivalent Response Model* illustrates the need to respond to insurgent provocations with the appropriate level of force and other coercive measures to maintain legitimacy in the eyes of the population. If the host nation responds outside an appropriate range, either above lines representing V-max or below V-min, it loses legitimacy. The appropriate response zone is often subjective and culturally specific. While some cultures anticipate and can endure a relatively violent response, other cultures may react adversely to violence. See Gordon H. McCormick, Steven H. Borton, and Lauren A. Harrison, "Things Fall Apart: The Endgame Dynamics of Internal Wars," *Third World Quarterly* 28, no. 2 (2007): 321-367; Gordon H. McCormick "Terrorist Decision Making," *Annual Review of Political Science* 6 (2003): 473-507; and Eric P. Wendt, "Strategic Counterinsurgent Modeling," *Special Warfare* 18, 2 (September 2005), 2-6.

<sup>70</sup> Eric P. Wendt's *COIN Military Components* model highlights the need for a Constabulary force to serve as the main effort, with supporting efforts by Reaction Forces and Movement to Contact Forces. *Ibid.*, 7.

<sup>71</sup> The term infrastructure refers to the Taliban and al Qaeda organizations conversion mechanism that turns raw inputs into outputs. These are the production functions that include training, logistics, operations, etc. The *Origins and Flow Model* by Nathan Leites and Charles Wolf, Jr. demonstrates insurgency as a system that includes endogenous (internal) and exogenous (external) inputs that are converted into outputs, ranging from sabotage to large scale military attacks and village aid projects to exercise authority over the populace. See Nathan Leites and Charles Wolf, Jr., *Rebellion and Authority: An Analytic Essay on Insurgent Conflicts* (Santa Monica, CA, Rand Corp, 1970), 32-35.

<sup>72</sup> The Counter Insurgent Components model outlines the desired aspects for Pakistani military efforts in the FATA. See Eric P. Wendt, "Strategic Counterinsurgent Modeling," 6-8.

<sup>73</sup> We must be cautious not to transfer our American standards of legitimacy to the region because the source of legitimacy is very much culturally specific. In the case of the FATA, the tribal societies place great emphasis on the legitimacy of individual and local tribal authority. It is significantly different from a western government in which power is vested on a few centralized leaders based on the consent of the majority.

<sup>74</sup> Based on Gordon McCormick's *Equivalent Response Model*. See Eric P. Wendt, "Strategic Counterinsurgent Modeling," 2-6.

<sup>75</sup> Doowan Lee at the Naval Postgraduate School provided a great deal of insight for the application of repression and social movement theory for this paper.

In terms of directness, repression is either coercive or channeling. Coercive repression involves use of force and other forms of standard police and military action (e.g., intimidation and direct violence), usually against an individual. Channeling involves more indirect repression, which is meant to change the forms of protest available, and impact the flow of resources to a group. For instance, channeling may involve limiting the capacity to protest by regulating flows of resource to a tribe.

The visibility of repression may also be determined. Unobservable repression occurs when the agents of repression, their actions, and the purpose of their actions are intended to be unknown to the general public. In contrast, observable repression is intended to be obvious to both protesters and wider public.

Legitimacy of repression is how it is viewed within the context of legal structure or societal norms, and may be expressed as sanctioned or unsanctioned. See Jennifer Earl, "Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression," *Sociological Theory* 21, no. 1 (March, 2003): 44-68, <http://www.jstor.org/stable/3108608> (accessed January 25, 2009).

<sup>76</sup> Thomas L. Friedman, *The Lexus and the Olive Tree*. (New York: Anchor Books, 2000), 153.

<sup>77</sup> Government of Pakistan, *FATA Sustainable Development Plan*, 140.

<sup>78</sup> Using military terms, an appropriate plan should be: Feasible – it must be able to accomplish the mission within the available time, space, and resources; Acceptable - the operational advantage gained by executing the plan must justify the cost in resources; Suitable - the plan must accomplish the mission; and Complete – it should outline (a) the decisive operation accomplishes the mission, (b) shaping operations that create and preserve conditions for success of the decisive operation; and (c) sustaining operations that enable shaping and decisive operations. See U.S. Department of the Army, *Army Planning and Orders Production*, FM 5-0, (Washington, DC: U.S. Department of the Army, January 2005), chapter 3, 29-30.

<sup>79</sup> The US ambassador's interagency country team, including a tailored US military component, is nearest the problem and closest to the decision makers in the host nation. See Geoffrey C. Lambert MG (Ret.) "Group Dynamics -- How U.S. Military Groups support the War on Terrorism," extract from a pending article quoted in U.S. Department of Defense, *Irregular Warfare (IW) Joint Operating Concept (JOC)* (Washington DC: Department of Defense, 11 September 2007), H-1.

<sup>80</sup> Operation Lionheart was a U.S. military campaign in the Afghan border region which seeks to complemented Pakistani military offensives in the Pakistani tribal districts of Bajaur and Mohmand. The militaries coordinated their movements so that insurgent escape routes were cut off: Pakistan's role was to block Afghan insurgents from fleeing into Bajaur, and U.S. forces were to stop Pakistanis from escaping into the neighboring Afghan province of Kunar. U.S. forces also communicate often with their counterparts across the border, and field commanders on both sides meet to exchange information and discuss tactics. See Arand Gopal, "Security up at porous Afghan border," Christian Science Monitor, February 13, 2009, [http://news.yahoo.com/s/csm/20090213/wl\\_csm/oborder](http://news.yahoo.com/s/csm/20090213/wl_csm/oborder) (accessed 2 Mar, 2009).